DISTRICT COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF NEW YORK

Equity No. 87-273

PARTMAR CORPORATION,

Petitioner,

UNITED STATES OF AMERICA,

Plaintiff,

v.

PARAMOUNT PICTURES, INC., ET AL.,

Defendants

JURISDICTIONAL STATEMENT

The present case is in this court as the result of a mandate of the Supreme Court of the United States directing this court to proceed in conformity with the opinion of the Supreme Court in *United States* v. *Paramount Pictures, Inc., et al.*, 334 U. S. 131. On March 3, 1949, this court denied the motion of petitioner to intervene. The motion of petitioner to intervene was based on the contention that under Rule 24 F. R. C. P. petitioner was entitled to intervene as a matter of right as well as a matter of discretion of this court.

Petitioner sought to intervene on the ground that representation of its interest by the existing parties has been

and will continue to be inadequate, that petitioner will be bound by the judgment entered by this Court on March 4, 1949, that petitioner will be adversely affected by the disposition of a motion picture theatre of which it is a lessee from a defendant in this case, which is subject to the control of this Court, and which is in fact dealt with in said judgment.

Petitioner also sought to intervene to have this Court include in the judgment entered on March 4, 1949, provisions enjoining the enforcement against petitioner, and others similarly situated, of restrictive contracts for the exclusive use in its theatre of motion pictures produced, distributed and controlled by Paramount Pictures, Inc.

Petitioner asserts that the judgment entered by this Court on March 4, 1949, does not carry out the mandate of the Supreme Court, in that it ignores the mandate of the Supreme Court that defendants should be divested of the fruits of their monopoly, and in that petitioner should have been permitted to intervene and to prove that its theatre is a fruit of defendants' monopoly of which they should be divested.

The statutes under which jurisdiction of the Supreme Court is invoked are 28 U. S. C. 2101(b) and 15 U. S. C. 29, which read as follows:

> In every suit in equity brought in any district court of the United States, under any of the laws mentioned in the preceding section, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court . . .

The following cases are believed to sustain jurisdiction:

Missouri-Kansas Pipe Line Co. *v.* Columbia Gas & Electric Corp., 110 F. (2d) 15;

United States *v.* California Co-operative Canneries, 279 U. S. 553;

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Missouri-Kansas Pipe Line Co. *v.* United States, 312 U. S. 502.

The application for intervention was denied from the bench. No opinion was written or filed.

The date of the decree sought to be reviewed is March 4, 1949. Petition for appeal was presented on March 28, 1949.

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